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considered as overruling *Burgess v. Wheate*, *supra*, though it may indicate a desire to limit its scope.

WILLS — LEGACY — REDUCTION BY SUBSEQUENT NON-TESTAMENTARY ACTS. — A testator provided that all advances to any child, evidenced by certain papers subsequently to be made, should be deducted from that child's legacy. *Held*, that this is not an attempt to alter or complete the will by papers informally executed, and hence the provision is valid. *In re Moore*, 47 Atl. Rep. 731 (N. J., Prerog. Ct.).

A testator cannot in his will reserve the right to alter or complete it by a subsequent unattested paper. *Thayer v. Wellington*, 9 Allen, 283, 291. But he may direct that the disposition of certain property, completely fixed by the will, shall be altered by the happening of subsequent extrinsic events. *Roberts v. Corning*, 89 N. Y. 225, 241. Moreover the occurrence of such events may be entirely within the control of the testator. *Stubbs v. Sargon*, 3 Myl. & C. 507. The distinction, therefore, is between acts not testamentary in character which affect but do not complete the will, and acts of a testamentary nature that actually complete an unfinished will. *Langdon v. Astor's Executors*, 16 N. Y. 1. If the event, upon the occurrence of which the amount of a legacy is to be altered, is of a non-testamentary character, such as an advance of money to the legatee; the mere fact that the testator requires the happening of it to be evidenced in a particular way, as by a writing, cannot change its legal effect. *Holmes v. Coates*, 159 Mass. 226. The decision in the principal case, therefore, is obviously correct.

REVIEWS.

THE LAW OF COMBINATIONS. By Arthur J. Eddy, of the Chicago Bar. Chicago: Callaghan & Co., 1901. 2 vols. pp. xxxviii, 1540.

This useful and admirable book embraces a number of related subjects of great present importance: the law of Monopolies, of "Trusts" and other Combinations of Labor and Capital, the law of Conspiracy, the law of Contracts in restraint of trade, and a commentary on the Federal and State Anti-Trust legislation; together with an appendix, giving the Incorporation laws of New Jersey, West Virginia, and Delaware. Each subject is examined historically, the present business conditions are described, all authorities bearing upon the subject are examined carefully and at length, and the conclusions of the author are clearly stated. One may find here discussions on "cornering" the market, on trade unions, strikes and boycotts, "trusts," restraint of trade, anti-trust laws, and "government by injunction." The book is a monument of research, original and sensible in argument, and thoroughly sound in its conclusions. It will prove most useful for the lawyer in active practice because of its full collection of authorities and its copious extracts from the opinions in cases which a lawyer without a large library might find difficult of access. To the student of law the study of the author's conclusions will be instructive and enlightening, and to the political thinker the comments upon economic questions of present interest will well repay study. These great merits are accompanied with a few defects of form and detail which it seems almost ungracious to point out. Mr. Eddy has treated his subject so fully that a consecutive reading of the book leaves one somewhat confused as to the main trend of the discussion. The material has not been thoroughly digested, and some of the arguments are repeated more than once in different parts of the book. The logical scheme of the work may, however, be grasped by reading the preface and conclusion and then a few principal chapters.

The most striking characteristic of Mr. Eddy's work is its good sound common sense. He deals with refreshing candor with the rather perplexing problems of the business world, and reaches his conclusions in a way that must commend itself both to the student and to the man of affairs. What he says on "government by injunction" is typical of his consistent attitude toward the problems he discusses. "There is, of course," he says, "no such thing as 'government by injunction' . . . of all writs and processes issued by courts the writ of injunction is least administrative in its character." "The injunction simply commands the contending parties to cease their strife until the cause can be heard." "If the acts are neither riotous nor unlawful, nor in any manner oppressive, the mere fact that the parties are inconvenienced until the court can investigate the merits of the controversy is not a matter for serious complaint." "No man who minds his own business and is entirely willing that others should mind theirs has complained of any abuse of discretion by courts of equity in issuing injunctions." Mr. Eddy is unfortunately too broad in the last statement, as he is in some of his other arguments, but the saving common sense is apparent.

The principal part of the book is devoted to an examination of the law of combinations and acts injurious to trades from the middle ages to the present day. The author describes all kinds of illegal commerce, from forestalling to "bucket shopping." The main points of his argument are, first, that no combination is illegal *per se*, even presumptively, but all combinations are illegal if the primary purpose be injury or oppression toward another person; second, that all combinations are subject to this rule indifferently, and the same restrictions apply to combinations of capital and of labor. These sound conclusions approximately represent the law as it is now applied in what one may be pardoned for calling the best jurisdictions in this country; although the majority of states discriminate between capital and labor in these forms of combination.

In dealing with combinations of labor Mr. Eddy has occasion to discuss the well-known decision of the House of Lords in the case of *Allen v. Flood*. His opinion of this unfortunate decision does not differ from that of most courts and writers who have had occasion to comment upon it. The disposition of the case emphasizes the weakness inherent in the present court of final appeal in England. Six lords, men of strong and vigorous intellect, whose united experience in English courts outside of the House of Lords amounted to no more than three or four years, overruled the opinions, not only of the Lord Chancellor and of two law lords, but also of a great majority of all the judges of England. As Mr. Eddy shows, the decision has met with little approval in the American courts.

It may be doubted whether a difference may finally be established between the legality of combinations and of similar acts of individuals not acting in concert. It could hardly be a satisfactory law which would restrain the Standard Oil Company from doing acts which Mr. Carnegie would be allowed to do with impunity, or would enjoin the workmen in a small factory from acting together to coerce their employer while it left the head of a great labor organization free to do as he pleased. The case of *Allen v. Flood* shows the shadowy line of distinction between the act of a combination of men and the act of a man who has power over other men.

After dealing with the subject of combinations and conspiracies Mr. Eddy treats with the same thoroughness contracts in restraint of trade,

which he carefully defines and distinguishes from other trade combinations. He also includes a full commentary on the anti-trust legislation of Congress and of the states. He concludes with a warning against legislative attempts to forbid combinations. Economic laws cannot be controlled by legislation, though abuses may be restricted; attempts to repress all combinations would lead to far worse evils.

Mr. Eddy's book must become a classic on this important and timely subject, and every lawyer must feel grateful that so useful a work has been so well done.

J. H. B.

THE INSTITUTES. A text-book of the history and system of Roman private law. By Rudolph Sohm. Second English Edition. Translated by James Crawford Ledlie, with an introduction by Erwin Grueber. Oxford: Clarendon Press. 1901. pp. xxii, 639.

The present work is the second English edition of Professor Sohm's now standard treatise on the Roman law. Mr. Ledlie, to whom we are indebted for the first English edition, has increased our indebtedness to him by the present accurate and faithful rendering of the revised text. The present volume is based on the eighth and ninth German editions, which were published last year. The notes which the editor has appended to the text are very few, and relate only to questions concerning the translation. Professor Grueber has again written an introduction, but it is much shorter than that which he furnished for the first English edition, and only outlines the use to which the present text is put in the German universities.

The very extensive revision of the original work was rendered necessary by the passage in 1896 of a code for the German Empire which went into effect in 1900. This legislation is intended to provide a solution for all questions involving points in the so-called "private" law, and in this sphere supersedes the older rules which were based almost entirely on the Pandects of Justinian.

The work for this reason has been altered from one treating of the law as it was in practice to a history of the system on which the present laws are based, with a view to their more correct interpretation. Although the old title is retained, a new sub-title is added, which shows this change in its character. To make the treatise answer its new purpose, the author has enlarged the historical portion, and has added sections dealing more at length with the history of the law under the Empire (§§ 19 and 20) and with its later development in Europe during the middle ages (§§ 23-28). These additions rendered superfluous the rather extended introduction to the first English edition. Alterations were made necessary by the new light thrown on certain portions of the subject by later writers, and in deference to Professor Wlassak's recent researches Professor Sohm has rewritten the sections dealing with formulary procedure and its formulas (§§ 49, 50). Some changes in the theories advanced in the earlier editions ought also to be noticed. These are to be found in the chapters dealing with the classification of persons into those denominated "juristic" and those denominated "natural" (Book II.) and in the section treating of the "literal" contract. On this last point the author has returned to the earlier theory of Keller after having advocated that of Voigt in his earlier editions (§ 81). There are many minor alterations which will be found recorded in Mr. Ledlie's short preface.